IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 12TH JUNE 2007 / 22ND JYAISHTA 1929

WP(C).No. 17903 of 2007(F)

PETITIONER:

1. NOUSHAD, S/O. LATE HUSSAIN,
   HASHIM STREET, THERUVATH, KASARAGOD.

2. SIYAD, S/O. LATE HUSSAIN,
   HASHIM STREET, THERUVATH, KASARAGOD.

BY ADV. SRI.M.RAMESH CHANDER

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY
   SECRETARY, REVENUE DEPT., CHIEF SECRETARY,
   GOVERNMENT OF KERALA, THIRUVANANTHAPURAM.

2. DISTRICT COLLECTOR,
   KASARAGOD.

3. TAHSILDAR,
   KASARAGOD.

4. VILLAGE OFFICER,
   THALANGARA.

5. ASST. EXECUTIVE ENGINEER,
   PWD ROADS SUB DIVISION, KASARAGOD.

BY G.P. SHRI.I.V.PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN, J.

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W.P.(C).No.17903 of 2007

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Dated this the 12th day of June, 2007

J U D G M E N T

By Ext.P7 the petitioners have been directed to vacate the land which is in their possession. Petitioners' contention is that the property in question adjoins the petitioners' own property. The said Government land was taken on lease by the predecessor-in-interest of the petitioners and no proceedings have been initiated by the appropriate authority for cancellation of the lease. The petitioners further contend that by Ext.P4 the petitioners have applied for assignment of the land held by them on lease. The petitioners further contend that before passing Ext.P7 order, the petitioners have not been heard.

2. I have heard the learned counsel for the petitioners as also the learned Government Pleader.

3. In the facts and circumstances of the

case, this writ petition is disposed of with the following directions:

Ext.P7 shall be treated as a notice under the Kerala Land Conservancy Act and Rules. The petitioners shall file objections to the same within one week from today. The third respondent shall consider the said objections and pass a speaking order as expeditiously as possible. Till orders are passed, further proceedings pursuant to Ext.P7 shall be kept in abeyance. However, the benefit of this writ petition would not be available to the petitioners, if they do not file the objection within one week. Further proceedings shall only be in accordance with the orders to be so passed.

Sd/-

sdk+ S.SIRI JAGAN, JUDGE

///True copy///

P.A. to Judge.